



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 10, 1995

Mr. Larry W. Schenk  
City Attorney  
City of Longview  
P.O. Box 1952  
Longview, Texas 75606-1952

OR95-1206

Dear Mr. Schenk:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 27359.

The City of Longview (the "city") has received a request for information about employees of the city's collection and distribution department. You advise us that the city has made some of the requested information available to the requestor, including information about dates of employment of certain employees, rates of pay, and promotional dates. You have submitted the remainder of the requested information to us for review, however, and claim that section 552.111 of the Government Code excepts it from required public disclosure.

Section 552.111 of the Government Code excepts information that constitutes an "interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency." In Open Records Decision No. 615 (1993), this office reexamined section 552.111 and held that it excepts only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body at issue. An agency's policymaking functions, however, do not encompass internal administrative or personnel matters; disclosure of information relating to such matters will not inhibit free discussion among agency personnel as to policy issues. Open Records Decision No. 615 (1993) at 5-6. In addition, section 552.111 does not encompass purely factual information. *Id.*

You have submitted to us for review records generated in connection with two surveys conducted by the city's collection and distribution department. The survey entitled "1993 Leadership Assessment" appears to assess both individuals and "team" performance in certain areas. The survey entitled "Leadership Assessment," on the other hand, appears to assess only a certain employee's job performance. You advise us that "[t]he surveys have a direct impact on the policy making decisions of the department in regards to future procedure that the department will adhere to" and therefore fall within the scope of section 552.111. Comments provided by city employees in assessing individual city employees clearly relate to internal administrative or personnel matters and may not be withheld under section 552.111. The survey entitled "Leadership Assessment" focuses entirely on an individual employee's job performance and therefore must be released in its entirety.

We believe, however, that portions of the survey entitled "1993 Leadership Assessment," *i.e.*, those portions of the surveys concerning "team" efforts, constitute more than just an individual employee's evaluations. Rather, the focus of these portions of the surveys appears to be city policies and procedures, not any particular employee. Accordingly, we conclude that the comments provided in response to questions about "team" efforts and city policies and procedures constitute internal communications consisting of advice, recommendations, opinions, and other material reflecting the city's policymaking processes. This information has been marked and may be withheld from required public disclosure under section 552.111. The remainder of the "1993 Leadership Assessment" assesses an individual's job performance. The unmarked information relates to internal administrative or personnel matters and may not be withheld under section 552.111.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "Loretta DeHay".

Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/GCK/rho

Ref.: ID# 27359

Enclosures: Marked documents

cc: Mr. Raymond Leveritt  
117 East Melton  
Longview, Texas 75602  
(w/o enclosures)